

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ESTEVAN ESPINOZA, JR.,

Petitioner,

VS.

WILLIAM STEVENS,

Respondent.

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CIVIL ACTION NO. 2:13-CV-279

**ORDER**

This is a habeas action filed by a state prisoner incarcerated at the McConnell Unit in Beeville, Texas. (DE 1). Petitioner was convicted, by trial and by plea of guilty, in two separate cases of aggravated sexual assault of a child under fourteen in Criminal District Court No. 7 of Dallas County, Texas, and sentenced in February 2007 to serve life and twenty-five years in the custody of TDCJ-CID.

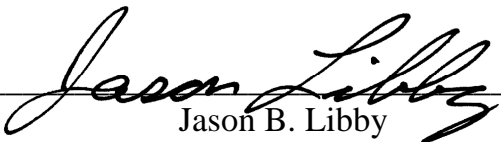
A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); *Wadsworth v. Johnson*, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in the Corpus Christi Division of the Southern District of Texas, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in the Dallas Division of the Northern District of Texas. 28 U.S.C. § 124(a)(6).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). A habeas application may be transferred in furtherance of justice to the district court within which the state court was held which convicted and sentenced

the petitioner. 28 U.S.C. § 2241(d). Because petitioner was convicted in Dallas County, it is more convenient and would further the interests of justice for this action to be handled in the Dallas Division of the Northern District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the Dallas Division of the Northern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Northern District of Texas, Dallas Division. All pending motions are denied as moot and are subject to renewal after the case is transferred.

ORDERED this 12th day of September, 2013.

  
Jason B. Libby  
United States Magistrate Judge